

[Counsel Listed on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: JUUL LABS, INC. ANTITRUST
LITIGATION

This Document Relates To:

All Actions

Master File No.
3:20-cv-02345-WHO

JOINT CASE MANAGEMENT STATEMENT

JUDGE: William H. Orrick
CTRM: 2, 17th Floor
CMC: August 22, 2023

Pursuant to the Clerk's July 31, 2023 Notice Setting Zoom Hearing (ECF No. 347), the Direct Purchaser, Indirect Purchaser, and Indirect Reseller Antitrust Plaintiffs ("Plaintiffs"); Defendants Altria Group, Inc. and Altria Enterprises LLC (collectively, "Altria"); and Juul Labs, Inc. ("JLI") (collectively "Defendants") (all collectively "Parties"), jointly submit this Case Management Statement in advance of the Case Management Conference to be held on August 22, 2023.

I. FTC Action (*In re Altria Group, Inc. and JUUL Labs, Inc.* Docket No. 9393)

As outlined in the Parties' July 29, 2023 Joint Status Report, on June 30, 2023, the Commission entered an Order to Return Case to Adjudication, Vacate Initial Decision, and Dismiss Complaint.

II. Discovery Status

Discovery is underway, and substantial document production has occurred. Depositions have yet to commence. The Parties have worked to and will continue to work to resolve discovery issues to resolve or minimize any issues requiring judicial intervention.

III. Proposed Case Schedule

Direct Purchaser Plaintiffs filed their Second Amended Complaint ("SAC") on February 14, 2022. ECF No. 305. Defendants' deadline to respond to the SAC was continued several times (*see* ECF Nos. 307, 314, 320, 323, 327).

On August 12, 2022, the Parties stipulated to stay the case pending resolution of the FTC Action. On July 31, 2023, the Court issued an order lifting the stay. ECF No. 347.

The Parties propose the following schedule:

Case Event	Proposed Dates
Deadline to seek leave to amend DPP's SAC	Thursday, September 7, 2023
Deadline for dispositive motions re DPP's SAC	Thursday, September 21, 2023
Deadline for opposition to dispositive motions	Thursday, October 19, 2023
Deadline for replies in support of dispositive motions	Thursday, November 2, 2023
Hearing on dispositive motions	To be set at the Court's convenience
Close of written and documentary fact discovery	Friday, June 14, 2024
Close of fact discovery including non-expert depositions	Thursday, August 15, 2024

1	Deadline for Plaintiffs' expert reports	Friday, September 20, 2024
2	Deadline for Defendants' expert reports	Tuesday, November 26, 2024
3	Deadline for Plaintiffs' rebuttal expert reports	Friday, January 31, 2025
4	Close of expert discovery	Friday, March 7, 2025
5	Deadline for motions for class certification	Wednesday, April 16, 2025
6	Deadline for oppositions to class certification, and opening <i>Daubert</i> motions	Friday, May 30, 2025
7	Deadline for replies in support of motions for class certification and oppositions to <i>Daubert</i> motions	Tuesday, July 15, 2025
8	Deadline for replies in support of <i>Daubert</i> motions	Wednesday, July 30, 2025
9	Hearing on class certification and <i>Daubert</i> motions	To be set at the Court's convenience
10	Deadline for motions for summary judgment	30 days after the Court's decision on class certification
11	Deadline for oppositions to motions for summary judgment	45 days after MSJs
12	Deadline for replies in support of motions for summary judgment	21 days after oppositions to MSJs
13	Hearing on summary judgment motions	To be set at the Court's convenience following any notice and opt-out periods
14	Deadline to exchange motions in limine and requirements of Rules 16-10(b)(7), (8), (9) and (10)	30 days after the Court's decision on MSJs
15	Deadline to M&C re Pretrial Issues and Exchange Exhibits	30 days before final pre-trial conference
16	Deadline for joint pre-trial statement	10 days before final pre-trial conference
17	Final pre-trial conference	To be set at the Court's convenience
18	Trial date (estimated 13 trial days)	February 2026

1 Dated: August 15, 2023

Respectfully submitted,

2 **JOSEPH SAVERI LAW FIRM, LLP**

3 By: /s/ Joseph R. Saveri
4 Joseph R. Saveri

5 Joseph R. Saveri (State Bar No. 130064)
6 Steven N. Williams (State Bar No. 175489)
7 Christopher K.L. Young (State Bar No. 318371)
8 Travis Manfredi (State Bar No. 281779)
9 601 California Street, Suite 1000
10 San Francisco, California 94108
11 Telephone: (415) 500-6800
12 Facsimile: (415) 395-9940
13 Email: jsaveri@saverilawfirm.com
14 swilliams@saverilawfirm.com
15 cyoung@saverilawfirm.com
16 tmanfredi@saverilawfirm.com

17 *Interim Lead Counsel for*
18 *Direct Purchaser Plaintiffs*

19 **ZWERLING, SCHACHTER & ZWERLING,**
20 **LLP**

21 By: /s/ Robin F. Zwerling
22 Robin F. Zwerling

23 Robin F. Zwerling (admitted *pro hac vice*)
24 Susan Salvetti (admitted *pro hac vice*)
25 41 Madison Avenue
26 New York, NY 10010
27 Telephone: (212) 223-3900
28 Email: rzwerling@zsz.com
ssalvetti@zsz.com

Interim Lead Counsel for Indirect Purchaser Plaintiffs
and Indirect Reseller Plaintiffs

WILKINSON STEKLOFF LLP

By: /s/ Beth A. Wilkinson
Beth A. Wilkinson

Beth A. Wilkinson (*pro hac vice*)
James M. Rosenthal (*pro hac vice*)
Rakesh N. Kilaru (*pro hac vice*)
Alysha Bohanon (*pro hac vice*)
2001 M Street, N.W., 10th Floor
Washington, D.C. 20036
Telephone: (202) 847-4000
Facsimile: (202) 847-4005
bwilkinson@wilkinsonstekloff.com
jrosenthal@wilkinsonstekloff.com
rkilaru@wilkinsonstekloff.com
abohanon@wilkinsonstekloff.com

Moira Penza (*pro hac vice*)
WILKINSON STEKLOFF LLP
West 42nd Street, 24th Floor
New York, New York 10036
Telephone: (212) 294-8910
Facsimile: (202) 847-4005
mpenza@wilkinsonstekloff.com

Lauren S. Wulfe (SBN 287592)
ARNOLD & PORTER KAYE SCHOLER LLP
777 South Figueroa Street, Forty-Fourth Floor
Los Angeles, California 90017
Telephone: 213-243-4000
Facsimile: 213-243-4199
Lauren.Wulfe@arnoldporter.com

*Attorneys for Defendant Altria Group, Inc. and
Altria Enterprises LLC*

**CLEARY GOTTlieb STEEN & HAMILTON
LLP**

By: /s/ David I. Gelfand
David I. Gelfand

David I. Gelfand (pro hac vice)
Jeremy J. Calsyn (State Bar No. 205062)
Nowell D. Bamberger (pro hac vice)
2112 Pennsylvania Avenue, NW
Washington, DC 20037
Telephone: (202) 974-1500
Facsimile: (202) 974-1999
dgelfand@cgsh.com
jcalsyn@cgsh.com
nbamberger@cgsh.com

Attorneys for Defendant Juul Labs, Inc.

**KELLOGG, HANSEN, TODD, FIGEL &
FREDERICK, P.L.L.C.**

By: /s/ Michael J. Guzman
Michael J. Guzman

Mark C. Hansen (pro hac vice)
Michael J. Guzman (pro hac vice)
David L. Schwarz (State Bar No. 206257)
1615 M Street, N.W., Suite 400
Washington, DC 20036
Telephone: (202) 326-7900
dschwarz@kellogghansen.com
mhansen@kellogghansen.com
mguzman@kellogghansen.com

*Attorneys for Defendants Nicholas Pritzker and
Riaz Valani*

L.R. 5-1 SIGNATURE ATTESTATION

As the ECF user whose user ID and password are utilized in the filing of this document, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from each of the other signatories.

Dated: August 15, 2023

/s/ Joseph R. Saveri

Joseph R. Saveri